

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:**

Friday, August 23, 2002, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

**Members:** Gerry Krieser, George Hancock, Gene Carroll and Tom Wanser

**Others:** Tonya Skinner (City Law Dept.), Rodger Harris (Building & Safety), Jason Reynolds, Becky Horner, Mike DeKalb and Missy Minner (Planning Dept.), applicants and other interested parties.

**STATED PURPOSE**

**OF THE MEETING:**

Regular meeting of the City Board of Zoning Appeals

Chair Hancock called the meeting to order and requested a motion to approve the minutes of the July 26, 2002 meeting. Motion for approval made by Wanser, seconded by Krieser. Motion for approval carried unanimously.

### **City Board of Zoning Appeals No. 2341**

**Requested by Rob Champoux for a variance to the required separation between a pedestrian easement and a building on property generally located at 2829 O'Shea Drive.**

### **PUBLIC HEARING**

**August 23, 2002**

Robert Champoux of Prairie Home Builders Inc. appeared. They were given a building permit for a single family dwelling. After approximately 80% of the project was complete, Building & Safety informed them that they were too close to the pedestrian easement. The required distance is 10', they were only 6' away.

It appeared that the easement only applied to the property to the east (Lot 6). Upon further review it was discovered that the easement applied to their property as well. There was an omission of a line on the plat map. They are requesting a variance of 4'. The lack of 4' is not going to affect the pedestrian way.

With no one further appearing, the public hearing was closed.

### **ACTION**

**August 23, 2002**

Wanser moved approval of the application with the restriction that nothing other than the existing house be allowed to project into the pedestrian easement, seconded by Carroll.

Hancock stated that this application is asking the Board to correct someone else's error. He wonders if this Board is the proper body to do so. The correction should come from the supervisors of the person who made the mistake rather than the Board.

Wanser stated that a mistake being made meets the unusual requirement required for the Board to grant a variance.

Motion for approval carried 4-0; Wanser, Carroll, Krieser and Hancock voting 'yes'; Wibbels absent.

**City Board of Zoning Appeals No. 2342**

**Requested by the Interim Director of Planning for a variance to the required rear yard on property generally located at 5401 Leighton Avenue.**

**PUBLIC HEARING**

**August 23, 2002**

Jason Reynolds appeared. He explained that the M & L Dunn subdivision was approved in 1999. This subdivision created the lot at 5401 Leighton. The subdivision was created with a substandard rear setback. It is a valid subdivision. The existing house sits within the rear yard setback. In order to have reasonable use of property a variance to 14.8' for the rear yard setback is needed. This property is unusual for the neighborhood because the existing house is in the setback. There will be no adverse effects on the neighborhood because the house already exists.

Wanser clarified that it is the existing house that has the improper setback, not the new duplex. Reynolds stated that was correct. He added that the new duplex meets and exceeds the setback. Wanser asked why it is important to correct this since the house already exists. Reynolds explained that the house, as it exists, is a zoning violation. If the house were destroyed it would have to meet the 20' setback in order to be rebuilt.

Laurie Dunn, owner of the property at 5401 Leighton appeared. She stated that she and her husband support the variance the City is requesting. The granting of the variance would not affect their decisions on the property.

Ione Hieter, 5400 Garland Street appeared. Her lot is south of the lot in question. She is opposed to the variance. She does not believe the duplex should have been permitted and has been objecting to this for a year. For the past 28 years, she and her husband have lived with the knowledge that they own half of the alley and 8' beyond that. They have maintained the alley for 28 years. The legal description of the Dunn's property was never written to own half of the alley. When the property was subdivided, the alley was included. There had to have been a variance on the green house in order to build the duplex, otherwise they would not have had the needed square footage. She was not sure if the Dunns had to pay taxes or get a permit to have the alley added that to their property.

If this variance is approved, she will have cement right up to her property line.

She added that there are as many as 8-10 people living in the house at a time. That many people in a property cause problems with parking. They have problems associated with parties such as honking cars, slamming doors and litter.

She is concerned about the effect this variance will have on her neighborhood.

Heather Classen appeared. She lives to the west of the lot in question. There has been nothing but problems with this property since the Dunns purchased it three years ago. Three years ago she called the City because she saw the flags dividing the property and she had done some research on the Internet to

see what the backyard should be. She gave the City plenty of time to go out before the footings for the duplex were put in. She called and no one would come out because no one would believe her. Now that the footings are in, the City is saying that they have made a mistake. She doesn't feel the neighborhood should have to sacrifice its peacefulness so that the City can correct its error. It took 3 years of phone calls to get Building & Safety out there to notice that there were ten people living in the house. She believes that is why they put it up for sale. The green house is now up for sale and she believes that the Dunns will make a \$60,000 profit if they sell the house for what they want to. If they don't get the variance, they might not be able to make that much money out of the quiet neighborhood. They don't come by and are seldom over there doing anything. The yard has been a mess and now there are going to be two properties that are going to take over the neighborhood. She was not sure if any of this has a bearing on the variance, but someone needs to know what has been going on in the neighborhood.

Wanser stated that he empathizes with the plight of the neighbors, however he thought that with the variance the probability of the house being sold and having an owner occupant would be greater than if the appeal is denied. Classen stated that they are asking \$120,000 for a 5 bedroom home with no back yard. The front yard is the only place for kids to play and that is not safe because it is on Leighton Avenue.

Alan Ebner appeared. He lives across the street at 5400 Leighton. His concern is that as the City rectifies its mistake, they are complicating the density problem in the area. The problem is the ambivalence on the part of the City, developers and contractors. They live in other areas and have little regard for the concerns of the neighborhood.

This is an area with many students and a young population. There are a lot of cars and parking is premium. The parties and drinking have negatively impacted the neighborhood and property values.

This mistake was made by the City in allowing the subdivision and now they are trying to cover their own tracks. The placement of the house shows that they never had any intent of having the whole yard as part of the house. If the variance isn't allowed, it makes it more of a question of what to do with the property. If it is allowed, and the house is damaged and rebuilt it almost forces a situation of having to build apartments - which increases the density and the existing problems.

He is opposed to the ambivalence on the part of the City. As an example, when the apartment house was being constructed, when they dug the water taps a hole was dug in his yard. That was two weeks ago, the dirt is still there. He contacted the City and was referred to the plumber. When he contacted the plumber, they referred him to the contractor. The contractor said they would remove the dirt when it stops raining, but they won't reseed or sod until next spring. Essentially, they don't care about the neighborhood. That is what he is opposed to. Absentee owners are ambivalent about the neighborhood and its residents.

Larry McClain appeared. He lives one block north of this property. This is a neighborhood in trouble. He has lived here for 7 years. The nature of the 3 block adjoining area has changed to a crisis condition. This is one problem house among many. He asks that the Board not allow the City to cover up its mistake. The City is letting the neighborhood change for the worse. The City is not interested in keeping the neighborhood a family neighborhood. It is becoming a rental area. He knows of four houses in the 1 block area around him that have more than the legal number of occupants. This is a symbolic vote. The decision of the Board is one part and won't change the neighborhood, but it is part of a larger pattern. The City should not be allowed to make it even easier for this neighborhood to become more congested.

Reynolds clarified a few statements made by the neighbors. The duplex is perfectly valid. The zoning in this area on the south side of Leighton is R-4 residential which permits duplexes on lots as small as 5000 sq ft. In fact, provided that the owners could provide enough parking, it would be perfectly legal to convert the house on the corner into a duplex. When you go north of Leighton, it gets even more dense - R-5 zoning which permits apartments by right. Density is permitted and encouraged in this neighborhood by the zoning ordinance.

On the question of the alley, the certificate of ownership for the M & L Subdivision indicated that the north half of the alley was owned by the Dunn's and was signed off by one of the platting companies.

In general the issue before the Board is the house on the corner, not the duplex being constructed to the south.

As for covering up a mistake, the process involved in an administrative final plat is that an applicant files drawings to the Planning Department. Those drawings show the lot line where it is today. The City failed to get that corrected, so the City is here to ask that this house be validated as something that is allowed under the zoning ordinance - that the yard be adjusted to 14.8' and that future owners be allowed to get building permits for the property.

Mike DeKalb appeared. He felt it was appropriate to correct some statements. As Reynolds pointed out, the subdivision did meet the zoning requirements and density. The zoning ordinance and requirements of the code are neutral to ownership. If there are violations as far as the number of people living there, that is an issue that needs to be addressed by Building & Safety in this location or anywhere else that may occur in town.

The City is equal and even handed in its application of the rules across the City. With regard to the statement that this is a cover up, he takes some personal responsibility in the sense that when the error was discovered, it was his obligation to correct it publicly on the record to relieve the owners of the land or future owners from having the problem of not being able to reconstruct what is standing. The City's error being corrected now doesn't legalize or change the use of the property, but it legalizes the subdivision so that this owner or future owners won't have to come to this Board at his/her own expense.

Wanser clarified that back in 1999 when this was subdivided, had it been done correctly, would the south be adequate for duplex. Reynolds stated that it would be. It is currently a little over 8,000 square feet and only 5,000 square feet is needed.

Harris stated that the City's sectional plat map shows the alley was vacated in 1925. Building & Safety does have a couple records of complaints on that property regarding too many inhabitants in 2001. Inspections were done numerous times.

With no one further appearing, the public hearing was closed.

**ACTION**

**August 23, 2002**

Krieser moved approval, seconded by Wanser.

Hancock remarked that the statements that he made relative to Appeal 2341 also apply here.

Wanser indicated that he understand the neighbors anxiety, but that isn't what this appeal is about. The approval of this variance would do nothing to change the situation. He encouraged the neighbors to contact the appropriate authorities with regard to the problems with loud tenants and the illegal number of occupants in a residence.

Motion for approval carried 4-0; Krieser, Wanser, Carroll and Hancock voting 'yes'; Wibbels absent.

**City Board of Zoning Appeals No. 2343**

**Requested by Drew Jensen for a variance to the required front yard on property generally located at 627 Garfield Street.**

**PUBLIC HEARING**

**August 23, 2002**

Drew Jensen appeared. He read a statement into the record, a copy of which is attached as "Exhibit A" and incorporated herein.

With no one further appearing, the public hearing was closed.

**ACTION**

**August 23, 2002**

Carroll moved approval, seconded by Wanser.

Carroll asked about the statement by the applicant about their willingness to add windows on the east and west sides of the enclosure to more closely match the code. Would they be required to add light? Harris stated that this application deals with the front yard setback, not the use of the space. This is a question of the front yard meeting the normal building requirements.

Carroll stated that his motion for approval based on the submitted drawings was based on this being good for the neighborhood. It is good to get full use of a property without making severe changes. His motion would restrict the variance to the submitted drawing and not allow anything else to encroach into the setback. Based on the age of the house and the design of its interior, the standard use can only be improved by the use requested.

Wanser added that this house is functionally obsolete the way it sets. In order to make it functional these changes need to occur.

Motion for approval carried 3-1; Wanser, Carroll and Krieser voting 'yes'; Hancock voting 'no'; Wibbels absent.

**City Board of Zoning Appeals No. 2337**

**Requested by Mark Hunzeker for a variance of sign height and area on property generally located at 5400 'O' Street.**

**ACTION**

**August 23, 2002**

Wanser moved approval, seconded by Hancock.

Skinner cautioned the Board that when making motions they need to state the hardships or unusual circumstances they are basing their action on. If there are limitations being placed on the variance, they need to be able to justify them.

She stated that the motion for approval of this variance that was made at the last meeting was for approval with the condition that it be limited to moving this sign only and not a different sign. The ensuing discussion did not include anything with regard to hardships or unusual circumstances or any of the things she signs off on with regard to form and legality. If a variance is going to be granted, the hardships and peculiar circumstances need to be stated.

Wanser indicated that in that situation, it is his opinion that the variance is needed to be made for safety reasons. Where the sign is now and where it can stay is the issue to him. This is a safety issue and the code is creating that. Skinner stated that the safety issue on the location of the sign is not the only issue. The other issue is that the sign is non-conforming - not because of where it is located, but because of its size. That is what the City is more against than moving the sign 30'. The problem is the current sign. She stated that if she were to go back to the July public hearing, she would state that she does not find any of the legal requirements to grant the variance. Based on the public testimony, she found no hardship other than a concern for safety - which can be found at every driveway - even at the driveway that has been there for years. There is nothing peculiar, nothing out of the ordinary about this. In fact, it goes in plain violation against what the zoning code stands for and that is to reduce the size of the sign in this area. From a legal basis, the needed hardship to grant this variance does not exist.

Hancock asked what controls this, the sign code or the zoning ordinance. Skinner stated that by having a variance you are allowed to consider the sign requirements which fall under the zoning code in Section 27 - which talks about the size of the sign. The resolution states that if you were to grant this variance it is consistent with the spirit, intent and purpose of the general plan of zoning ordinances. The intent of the zoning ordinance is not to have a 350 sq. ft. sign. The intent is to either have one combination sign that is 150 sq. ft. or to have multiple small 50 sq. ft. signs. The real problem from the City's standpoint is that the sign is too big.

Carroll asked if she felt that if the variance was granted and the owner gets to keep the same sign as big as it is and the property owner across the street says you've given him a variance, there was no unreasonable hardship against him, I want to put up the same size sign because you let him do it and the City says no and that person sues because the Board gave them the variance, the likelihood of that property owner winning is very good because he is getting a sign with no hardship, so why can't that property owner get the same size sign. Skinner indicated that the Board has the right to look at the neighbors around there and in doing so would find that they would all love to have bigger signs and more than the allowed number of signs. Any type of advertising promotes their product and business. There have been applicants in Building & Safety who have been denied. If this variance is granted, they will come in again. It would be difficult to differentiate between the two. This owner has the sign, but he is allowed to

leave the sign. That is the difference. This sign was built prior to the zoning being passed, but once he takes the sign down, even though it is the old sign, he is technically putting up a new sign.

Hancock asked if the application was withdrawn and they left the present sign where it is, could the City have the sign removed. Skinner stated that there may be future actions on the sign because of it being obsolete because it wasn't used for this property and the property that it is now being used for - using that term loosely because the owner has stated this is one premise - is advertising on too many signs. However, that is a separate issue than what is before the Board. If that sign gets removed through future legal action, there are other options for them - they could have a wall sign, they could advertise whatever business that goes into that building on the combo sign they have now. If they sell the building, it would probably be considered a different premise and that person could come in and apply for another sign. This is more of a self-created hardship than most of the things before the Board recently. If the theater or Guitars & Cadillacs were still operating in this building, the City would not do anything to that sign.

Hancock asked how much time is allowed when a building becomes vacant for the new occupant to reuse the sign. Skinner was not sure because that is more of a practical application. This sign sat empty without someone in the building for at least 8 months. If the applicant came back in with someone in that building who wanted to use that sign, she did not know what Building & Safety would do. That is a different circumstance. The job before the Board is to decide if they can move this 350 sq. ft. sign to another location.

Wanser asked if permission is given to move the sign that sign is still grand-fathered in. Skinner stated that the grand-fathering does not move to the new location. Once the sign is taken down, and it gets put back up it is permissible. The Board is allowing them to have the 350 sq. ft. sign.

She added that if they grant the variance, he could leave the sign there and if it doesn't become obsolete or violate any other codes, the City can't do anything about it. The applicant could come before a future Board and say that the sign needs to be replaced and then what would that Board's justification be for denying that application. Wanser stated that he felt the justification to deny it would be that there is no safety issue. Skinner asked them why place the restriction to leave the old sign if in a year it is fine for the applicant to come back in and put a new sign in.

Hancock asked the applicant where the sign is to be moved to. Hunzeker stated that it is approximately 30 feet west of the present location which is now next to a new driveway. If it hadn't been for the widening of 'O' Street and the closure and consolidation of access points on this property which is a fairly unique and unusual circumstance, they would not be before the Board.

Hancock asked if he felt the present sign could be kept where it is. Hunzeker stated that he did. There is no doubt about that. The sign code cited in the letter from Building & Safety to the owners saying the sign is obsolete and needs to be taken down, is in an entirely different chapter than the zoning ordinance. As referenced by the City Attorney, the regulations being referred to as calling this non-conforming are in the zoning ordinance. We are dealing with a zoning issue here. The obsolete sign provision says that you have to take it down, but it also says specifically that any existing sign structure may remain in conformance with this code. "This code" is a term of art. In the first sentence of the sign code it says that this chapter shall be known and codified as the sign code and shall be applicable to outdoor signs in the City of Lincoln and within three miles of the corporate limit thereof and will be referred to herein as "this code." So, a structure in conformance with the sign code can remain even if it is obsolete. The structure can stay. It is non-conforming in accordance with the zoning ordinance because it is too big, but a non-

conforming sign can stay where it is because it was put up prior to requirement that it be smaller than it currently is. They are just asking, because they understand that it becomes an issue when they take it down, they are asking for permission - for a variance to take this one down and put it back up. If you want to restrict that to this particular structure, they are fine with that and he did not see any problems enforcing that. They have to go in for a permit if they want to modify it and Codes is going to know that it is too big and they either have to come back to the Board and ask for another variance or take it down.

He added that it seems that the process is being abused by the City Attorney presenting testimony in the nature she did during the executive session.

Hancock then asked if this sign is reused in a different location, as suggested, will it be advertising the Villager Motel or the user for the former theater that is now vacant. Hunzeker stated that there is an interpretation issue there. They have been told by Codes that it is not permissible to advertise the Villager on that sign. It is a separate legal issue whether that interpretation is correct, but they are not concerned about that. The lettering that advertised the Villager was taken down. For six to seven months, the street has been torn up and it has been almost impossible to show that building to a tenant. The Villager had its own sign down on the corner as a result of the widening and were simply trying to stay in business. If they were violating the ordinance, they have taken it down.

Carroll asked if, during the discussions with the Real Estate division, the sign was addressed with regard to the property owner being harmed by the widening and locating of the driveway, and was the sign movement an issue and expense that the City caused. Hunzeker stated that there was discussion between the City and the owner relative to the relocation of corner sign by the restaurant. The record on this particular sign is unclear. His client felt like there was some degree of understanding that they would be able to move the sign in as much as they were asked where they would want the driveway to go. It was assumed, but not explicitly written down that the sign could be moved if necessary. It was a matter of misunderstanding between his client and the Real Estate Department.

Carroll clarified that the property owner was not paid to relocate the sign or for the value of the sign in the discussion. Hunzeker stated that it was understood that the sign would not have to come down. It was his client's understanding that the actual curb cut would be lined up with the carport on the Guitars & Cadillacs building and it is not. If it had been, it would have been about another 30-40' to the east than it is today. Once the curb cut got poured, this problem was discovered and that's when they requested permission to move it.

Wanser moved approval of the variance with the condition that it apply to this sign only based on the hardship created by the improvements on 'O' Street, seconded by Hancock.

Hancock asked if he considered the unique hardship to be the unusual condition? Wanser stated that he did.

Hancock stated that he felt this was more of a legal issue than the Board is empowered to handle.

Carroll stated that this is not a unique situation. Every property owner on 'O' Street was affected by the widening. The sign does not have to be moved. The property owner is comfortable with leaving the sign where it is. This is not exceptional in any way. Once the sign is taken down, it must follow the same sign code that everyone else does along 'O' Street, so it becomes a new sign whether it is being reused or not. Approval will create a legal problem for the Board because people will line up to put up signs. This



doesn't meet all 3 parts required to grant variances. This is too much of a legal issue for the Board to decide. He believes the board should deny it and let the City and the applicant discuss whether or not it stays there.

Wanser doesn't disagree. He is concerned with the situation that there are a number of non-conforming signs up and down 'O' Street. The widening of 'O' Street puts them in harms way. The City would like to get rid of them. However knowing the benefit of signs to a business it becomes a hardship. In this case there is a safety issue. He doesn't understand what the 30' has to do with anything.

Krieser indicated that he is against moving the sign because it is a legal issue. He agreed that it is probably a hazard, but is going to vote against moving it.

Motion to approve failed 2-2; Wanser and Hancock voting 'yes'; Krieser and Carroll voting 'no'; Wibbels absent. Administrative action on this item will be held over to the September 27, 2002 meeting.

**City Board of Zoning Appeals No. 2340**

**Requested by James Krull for a variance to the rear yard setback on property generally located at 6018 Fleetwood Drive.**

**ACTION**

**August 23, 2002**

Carroll moved denial, seconded by Krieser.

Carroll stated that his motion to deny is based on this not meeting the three criteria required for the Board to grant a variance. This would create a hardship as far as water drainage through the neighborhood.

Motion for denial carried 3-1; Carroll, Krieser and Hancock voting 'yes'; Wanser voting 'no'; Wibbels absent.

There being no further business, the meeting adjourned at 2:54 p.m.


## REASONABLE USE OF SPACE

### Stair issue

1. We realize that many older homes may have stairs that do not meet current code, it may be "widespread" as Planner Jason Reynolds describes it in his staff findings, but the existing staircase in our house was unusually peculiar and exceptionally unsafe (see picture). We had no choice but to redo it, so we tried as best we could to build a stairway that would meet current building code. We have been able to barely fit in such a staircase, but the access to it is unreasonable.
2. The upper stair landing is currently 2'8", which is already tighter than the width of the stair at 3'. And even though 2'8" is a small landing, it is misleading as the ceiling is sloping over the landing, starting at a height of 5'5" and sloping up at an 8 1/2 to 12 bevel, making the landing unreasonably small.
3. The lower landing currently has the desired three-foot depth; however, any shift of the stairs to increase the size of the upper landing would make the lower landing unreasonable. A granting of the variance would allow a shift forward in the staircase resulting in reasonable access. Planner Jason Reynolds outlined in his staff findings, "The enclosure would allow the owners to replace an existing staircase with one meeting current building codes." We do not simply desire a staircase with large landings, as Mr. Reynolds suggested, we believe it is absolutely necessary to increase the size of our landings for them to be usable.
4. In addition, the North wall of the first floor bathroom/utility room runs perpendicular to the stairway, leaving you a tight hallway then a ninety-degree turn. Now, Mr. Reynolds pointed out that we could reduce the size of the bathroom to "alleviate the staircase problem." It is true, if the bathroom/utility room were to be

decreased we would gain a larger hallway. However, this would do nothing for our landing issue, and we cannot reduce the size of our bathroom utility room.

#### Bathroom/Utility issue

1. We've tried to squeeze the washer and dryer all over the house, but the best and only rational first floor option for us was under the staircase in the bathroom. The space under the stairs was not very functional anyway and the washer and dryer were a good use of space there. Not to mention, we have will have plumbing nearby <sup>from</sup> ~~for~~ the bathroom amenities. Personally, I don't really like the utility room in the bathroom, but we feel that we need a first floor laundry room. We think there is a great chance that someday an older person will live in this house, and a first floor bedroom, bathroom, and laundry are quite necessary. So as you can see by the drawing, we would need to  invade into the hallway heading towards our staircase, leaving us with hardly any hallway. This makes the porch space very valuable space to us for both our bathroom and our staircase.
2. Mr. Reynolds points out that we have room in the rear of the house to add on, and this is also true. We have a large backyard, and are planning on building a deck out back to enjoy it, but it is not plausible for us to add on in the back. First of all, we can't afford it. I'm currently seeking my Masters Degree, and my wife is only one year out of college. Second of all, the roof in the rear of our house isn't exactly inviting an addition. We are trying to make this house as aesthetically pleasing as we can, and an addition to the back, especially within our budget, would not improve the look of this house. And thirdly, our point with this

appeal is not to acquire the maximum space out of our land, or house, but we are trying hard to make this the best house we can.

#### Impact of Variance

1. Every single person on our block, except one neighbor who we have not been able to contact, is in support of us gaining this variance. The variance would increase the value of our house, and likewise the property values for the other houses in the block
2. We do not live on a corner, so there is not a traffic issue. Although the setback we are requesting is twelve feet from the property line, we would still be thirty seven feet from the street. There is not a safety issue.
3. The six hundred block of Garfield is a neat neighborhood. While it does have a few houses on the south side of the street with that old style front porch look, it also has some nice looking brick houses, and even one house has a front gazebo. Therefore, I don't see us breaking up the integrity of the neighborhood with this change in our house. We would add to the uniqueness and quality of this neighborhood.

#### Other house with enclosed porch

1. With this variance, as Mr. Reynolds points out in staff finding number 3, we would be the only fully enclosed front porch in the neighborhood. However, two houses down from us they have their front porch enclosed to the same setback we are seeking although it covers only half of their porch, and that space for them is not habitable. Our porch would have the same semblance as the porch two doors down.

2. Although we would need this porch space to be habitable we would be more than willing to add windows on the East and West sides of the enclosure to more closely meet current codes.

### Conclusion

We feel that this variance would be an improvement on our house and an improvement on our neighborhood. There are no safety issues and all of our neighbors support this variance. I see this variance as a positive thing for our house, our neighborhood, and for Lincoln. Thank you for your time.